IN THE HON'BLE HIGH COURT OF CHHATTISGARH : AT BILASPUR.

WRIT PETITION NO. 256 /2002.

PETITIONERS : 1). Gulab Rai Panjwani,
S/o Shankarlal Panjwani,
Aged about 30 years,
R/o Main Road, Korba (C.G.)

2). Ashok Panjwani Vigya,
S/o Shankarlal Panjwani,
Aged about 38 years,
Near Govt.Hospital, Main Road,
Korba (C.G.).

P. R. No. 256/02
Presented by Shri B. D. Guru
dated 29-1-02

- Versus -

RESPONDENTS 1). State of Chhattisgarh,
Through The Secretary,
Department of Health and Family
Welfare, D.K.S.Building,Raipur(C.G)

2). State of Madhya Pradesh,
Through The Secretary,
Department of Health and Family
Welfare, Vallabh Bhawan,Bhopal(M.P)

3). The M.P.Board of Ayurvedic and
Unani System of Medicine and
Naturopathy, Bhopal (M.P)
Through : The Registrar,
Shyamala Hills, Bhopal (M.P)

4). The Chhattisgarh Board of Ayur-
vedic and Unani System of Medicine
and Naturopathy, Raipur,
Through: The Registrar,
Raipur (C.G.).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

RECEIVED COPY,
29.1.02
CLERK TO A.G. BILASPUR

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.256 सन् / 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15.11.2002

Shri B.D.Guru, counsel for the petitioners

Shri Ranbir Singh, G.A. for the State/Respondent No.1

None for respondents No.2 and 3.

Ms. Sharmila Singha, Counsel for respondent No.4.

As similar matters have been disposed of and considering the limited nature of prayer made at the time of hearing, which is for a direction to the respondent No.3 to consider the question of registration of the petitioners in accordance with the rules, regulations and guidelines governing the field, no useful purpose will be served in keeping this writ petition pending, which on the prayer of learned counsel for the parties, this writ petition is being disposed of at the admission stage.

According to the petitioners, they have acquired Vaidya Visharad and Ayurved Ratna qualification from Hindi Sahitya Sammelan, Prayag – Allahabad and on the basis thereof, they had approached respondent No.3 for issuance of a form so as to enable them to apply for registration, but the said respondent No.3 did not issue any form with the result that they have not

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been able to get themselves registered as Pharmacists. Aggrieved therewith, the petitioners have approached this Court.

In support of their claim for registration, reliance is placed on a decision of the M.P.High Court in M.P. No.287/1990 (Sekhar Jain - Vs - State of Madhya Pradesh & Others) and W.P.No.558/2001 (Zehirulla Khan & another - Vs – State of Chhattisgarh & Others), copies whereof are annexed as P/10 and P/13. In rebuttal, the State has relied on the judgment of the Supreme Court in the case of State of Rajastan - Vs- Lata Arun, 2002 A.I.R. S.C.W. 2966. However, in view of the limited nature of the prayer made, it is not necessary to go into the merits of the case.

Accordingly, in view of the prayer made at the time of hearing, the writ petition is disposed of by directing the respondent No.3 to issue appropriate forms to each petitioner, so as to enable them to apply for registration. It is made clear that the issuance of a form under the direction of a Court is not to be construed as a direction requiring the said respondent to grant registration to the petitioners. The question of their registration will have to be decided on merits by the respondent No.3 in

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accordance with the rules, regulations and guidelines governing the field and in case the authorities come to the conclusion that under the said rules, regulations and guidelines, the petitioners are not entitled for registration, this order shall not preclude them from passing appropriate orders to that effect.

Certified copy as per rules.

Sd/-
P.C.Naik
Judge